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TAGS: [PHUM](#) [PREL](#) [KJUS](#) [GT](#) [UN](#)

SUBJECT: CICIACS: PENDING CONGRESSIONAL APPROVAL

REF: A. 02 GUATEMALA 3134

[B](#). 03 GUATEMALA 20

[C](#). FISK-HAMILTON TELCON 1/6/04

Classified By: Human Rights Officer Katharine Read, for reasons 1.5 (B) and (D).

[1](#)1. (SBU) Summary: On January 7, the Government of Guatemala and the UN signed an agreement to establish a Commission on the Investigation of Illegal Bodies and Clandestine Apparatuses (CICIACS) at the UN Headquarters in New York. Foreign Minister Gutierrez represented the GOG at the signing ceremony, and pledged to present the agreement to the Guatemalan Congress for ratification on January 8. Divisions in the lame duck Congress make the ratification unlikely until the new Congress in sworn in on January 14. CICIACS comes with a hefty price tag but promises to be worth it. End Summary.

[1](#)2. (U) On January 7, the Government of Guatemala and the UN signed an agreement to create the CICIACS, after an extended negotiation. The Commission will offer an unprecedented new model to fight organized crime, human rights abuses, and corruption. (Reftel A) The UN-GOG agreement still requires Congressional ratification before the Commission can be established; Foreign Minister Gutierrez vowed to present the document to the Guatemalan Congress for immediate ratification upon his return from New York on January 8.

[1](#)3. (U) Public reaction to the UN-GOG agreement has been mixed. Most human rights groups, political leaders, and civil society leaders have praised the agreement, noting that CICIACS will work within the Guatemalan system and strengthen, not undermine, domestic institutions. However, some legal experts and private lawyers charge that the agreement is unconstitutional; they believe an international commission operating with domestic investigative powers will violate Guatemalan sovereignty.

[1](#)4. (C) On January 6, and following Ref C telcon, the Ambassador urged President Portillo to work on Attorney General Carlos de Leon to be more genuinely supportive of CICIACS. (Reftel B) Portillo said he would, over a previously scheduled breakfast the next day. On January 7, De Leon was quoted saying "the creation of this Commission (CICIACS) is very important for the strengthening it will bring to the investigatorial and prosecutorial systems." De Leon also noted, however, that it was crucial that the CICIACS exist within the legal framework established by the Constitution, a comment which may point to continued reservations and behind-the-scenes opposition.

[1](#)5. (C) Comment: A special session of the lame-duck Congress before the January 14 inauguration now seems unlikely due to strong resistance to FRG-supported initiatives in the days before the new Congress takes office. An FRG attempt to pass an adoption law fizzled on January 7 for similar reasons.

[1](#)6. (C) Prospects for passage of CICIACS in the new Congress are better. The Berger-Stein team has indicated that they intend to support CICIACS passage. We will remain vigilant against efforts by opponents of the measure to thwart an early vote on CICIACS.

[1](#)7. (C) Finally, and to reiterate a point which we have made previously and which the Ambassador briefed to Department officials in December, CICIACS has become an innovative, robust proposal for getting to the heart of organized crime in Guatemala. It is an initiative that could obviate a "Plan Guatemala" 3.5 years from now. Its price tag has gone up considerably (estimated at \$10-12 million annually over its two to three year life.) That will be spread, however, over fiscal years '04-'07. We will be seeking resources in our '06 MPP submission but urge Department officials to identify financial support from '04 and '05 budgets. HAMILTON